
TAUNTON PLANNING BOARD MINUTES
Meeting held at 15 Summer Street

DATE: November 4, 2021

BOARD MEMBERS: Anthony Abreau, Chairman Arthur Lopes
 Bob Campbell, Vice Chairman John Reardon
 Manuel Spencer, Clerk Dennis I. Ackerman
 Brian Carr

ADVISORS:
 Michael Patneaude, City Engineer
 Kevin Scanlon, City Planner

Roll Call: Ackerman, Reardon, Spencer, Lopes, Campbell, Carr, and Abreau present.
Meeting opens at 5:33 PM

Arthur made motion to accept of minutes October 7, 2021, seconded by Manny. All in favor

Cont'd. Public Hearing – 27 Blinn's Court – Form J – Waiver of Frontage Requirements – to divide one lot into two lots – submitted by Mike Binda

Roll call: Reardon, Ackerman, Abreau, Spencer and Lopes present. Hearing opens at 5:34 PM.
Bob Campbell Brian Carr both read disclosure that they have reviewed the tapes of the last meeting so now they can vote on the cases that were continued from last month. John DeSousa stated they are still waiting for DEP for their superceding order of conditions. They asked him to e-mail plan showing another cross section and 3 sided box culver and then they can wrap up their review. They are still working from home and it could be 2-3 months before they get decision. John D. stated explains the drainage and says it will help the neighbor's with the existing water issues. They will need to bring fill and the house will have no basement. Public Input: No one in favor or against.
Motion made and seconded to grant with all dept. comments. All in favor.
Hearing closed at 5:45 PM
Brian asked if DEP denies it what happens. John D answers they can appeal.

Cont'd. Public Hearing – 19 Ingell St. - A Special Permit from Section 440 Attachment # 1 of the Zoning Ordinance for the division of lot into two lots with a Special Permit for a triplex on each lot (total 6 units)

Requesting a continuance to December meeting

Motion made and seconded to grant continuance to December. All in favor.

Cont'd Stanley Avenue – Roadway Improvement Plan - Proposal is to improve 225 feet of roadway for frontage for one residential lot on Assessor's Map 54 Lot 350.

Letter from Atty. Correia requesting to withdraw petition and requesting a refund all monies. Atty. Correia is requesting the refund of the Mylar deposit (one in 2004 for \$3,000 and \$6,000 in 2020. She also asked if any of the field inspections monies can be refunded. The reason for the withdrawal is because the owner received ZBA approval for one lot (on the recommendation of this Board) The Planning Board thought it

would be less intrusive to try and get zba approval for one lot that improve the roadway which would have affected the privacy of the residents.

Bob made motion to refunds the mylar deposits and \$337 of the inspection fees. Seconded by Dennis. All in favor.

Cont'd. Public Hearing – Special Permit – 175 South Walker St – for A Special Permit/Site Plan Review from Section 440 Attachment #1 of the Zoning Ordinance for the construction of two mixed use buildings - Bldg. #1 having 14 residential units & 3,400 sq. ft. commercial space and Bldg.. #2 having 17 residential units with 2,000 sq. ft. commercial use, submitted by 175 South Walker Street, LLC - REQUESTING A CONTINUANCE TO DECEMBER 2ND MEETING

Motion made and seconded to grant a continuance to December. All in favor.

Public Hearing – 128 East Water St. - Special Permit from Section 440 Attachment #1 of the Zoning Ordinance for a Three family dwelling in an Urban Residential District, submitted by Lynda Earley
Requesting a continuance to January meeting.

Motion made and seconded to grant continuance to January 6, 2022 meeting. All in favor.

Public Hearing – Short St. property I.D. 28-62 - Special permit from Section 440-201 of the Zoning Ordinance for a common driveway to access 3 lots – submitted by Liberty & Union Realty Trust.

Roll Call: Reardon, Ackerman, Campbell, Carr, Spencer, Lopes and Abreau. Hearing opens at 5:54 PM

Bob Campbell and Brian Carr disclosed they each viewed last month's video and signed the appropriate form so they can vote on this. Dept. comments were read from Conservation Commission,

Fire Dept, Veolia Water, City Planner, letters of opposition from Virginia Young, Gregory Rego, Kathy Fresoni , Thomas Hackett, Patrice & Donald Thomas, Hilda Brennan, and Mary St. Germain.

Atty. William Rounds was invited into the enclosure. Atty. Rounds stated there are extensive wetlands but there is a lot of upland too. They have been issued an Order of Conditions from the Conservation Commission. He stated there was opposition but it's not a real impact on them because it's separated by the river. The driveway will come out onto Short Street and they will need to deal with Natural Heritage and have to satisfy them. None of the issues have to do with the driveway. The driveway crossed over the wetlands and the Fire Dept. has indicated that they want a 20 foot wide cleared access. They are satisfied with a 12 foot wide driveway but having 20 feet of cleared access. There is 12 acres of land and there is an upland area that can be developed. The real issue is in 2021 n one wanted to spend the money to go through the process so they weren't planning on developing it. Atty. Rounds stated they need Natural Heritage and Planning Board approval because they have received ZBA and Conservation Commission approvals. Atty. Rounds stated in 2021 it was always understood that there was only going to be one lot using the driveway but now the 2nd lot has to use it. This will be the third lot so it triggers a Special Permit.

John made motion to have the 2012 ZBA video played, seconded by Brian. All in favor. The video showed the presentation made by Attorney Rounds testifying that they were not going to develop this lot due to natural heritage, wetlands and it being problematic. They were just going to ask for the 2 lots in front and leave this lot unbuildable.

John made motion to stop video from 2012, seconded by Arthur. All in favor.

Dennis was on the ZBA at the time but was absent from this meeting and therefore did not vote on the matter. Chairman Ackerman asked the access of the lot is via a driveway that is already there. Manny asked what is the width of the driveway and it was answered it's paved 16 feet wide. Jeff Tallman stated it will be 12 feet wide from where it presently is. Manny said he has a hard time believing a fire truck can fit. Manny asked Jeff if they had filed with Natural Heritage and Jeff answers they have been in contract with the. He filed an application with them same as the one with the conservation commission. They requested

to keep the driveway narrow. Manny pointed out in 2012 it was indicated that the land was not going to be developed at this time. Atty. Rounds said he said it would be unlikely unless they get zba relief. He stated that was 9 years ago and things change. Manny asked who has the right to use the driveway. Atty. Rounds states there is an easement and an agreement to who can use it. Manny asked whose is responsible for maintenance of the driveway. Atty. Rounds states whoever is negligent will be responsible for fix it. Arthur has concerns with 3 owners using the same driveway. What if someone doesn't want to pay to fix it. He thinks this will be problematic. Manny asked if in the future they would want another out back? Jeff stated says this will be it because there is too much wetlands. It doesn't make sure for any future development. John stated if he was an abutter he would have been under the impression there would be no other development after the 2012 hearing. What has changed in the last 9 years? Nothing you just have someone now interested in wanting to development it. Dennis stated they still need to get Natural Heritage and Board of Health approval. If they don't get that they can't built anything.

5 minute recess. Brian asked Jeff if has been in contact with Natural Heritage? Jeff answers he has been working with them. Brian stated he would like to see the letter from Natural Heritage before he votes on this. Jeff stated all too often you don't have the final approval between boards but we cannot do anything until they approve it. Brian stated he might be incline to approve it once he see the approval from Natural Heritage. He has concerns with the reduction of width to just 12 feet wide. Atty. Rounds stated the plans that has been submitted to this Board if they change it through Natural Heritage they would need to come back. Atty. Rounds stated each board has their own purview. Dennis brought up the issues of all 3 chairmen (ZBA, PB & Conservation Commission) having a meeting to see what order people should file with each board. Dennis stated each board has their own rules and regs and after speaking to the City Planner it's up to the person to go before what board they want first. Tony stated they never had a meeting and Dennis said after speaking to the City Planner it made no sense to meet. Manny stated each Board has a job to do and he gathers input then makes a decision.

Bob made motion to open public input, seconded by Arthur. All in favor.

Virginia Young, 1092 Norton Ave. spoke in opposition. She stated she as an abutter received a notice of this hearing. She stated 60% of Norton Avenue and Country Way is within the Preservation critical area. She thanked the Board for viewing the 2012 zba meeting. She stated there are a16 endangered species in this area. She stated it's too wet to do perk test. She stated she was not sure they are compliant with the Natural Heritage restriction of only developing a certain portion of the land. The property is surrounded by wetlands and Atty. Rounds has changed his assessment of the property from 2012. Tom Bernier, 28 Country Way stated his main concern sis the wells in the neighborhood. He has been on the fire department for 26 years and a 12 foot wide driveway is not wide enough. He stated it's not fair to put public safety officers to be put at risk. You have to consider the width of the driveway and culverts, you are putting safety of our public safety officers at risk. Richard Castro, 54 Short St. also in opposition. He used to live at 60 Short Street and he states the maps keep changing. He looked into the sizes of the fire trucks and engine 5 is 9 feet 10 inches long, engine 2 is 9 feet 7 inches long How are they going to be able to fit? If you have more than one truck or ambulance coming down it creates a safety issue. He stated the petitioner purchased this for \$99,000 and had owned it 30 years and created several lots from this large lot and built several homes so he has recovered his investment. The petitioner was approved for 2 additional lot and has a restriction from Natural Heritage for this lot. It's unsuitable for building. He stated the petitioner went to superior court wanting to change the restriction and the court did not approve it. He says the proposed access put the safety and first responders at risk. Opposed: Mike Morin, 1070 Norton Ave also has concerns for the environment. He stated the driveway was 16 feet wide and now it's only 12 feet wide with 4 feet of gravel filling in the wetlands. Opposed: Sandra DaRosa Morin, 1070 Norton Ave also is concerned for the environment and safety. In favor: Richard Johnson, 9 Oysterhill Dr., Sandwich, Ma. He has owned this with the petitioner since 1988 and they have paid taxes and they paid legal fees, engineering fees and going

through the process to develop it. They have had the wetland flagged 3 times and the flags were taken down. They had interest in developing it for 16 apartments but did not pursue it. The property is surrounding by nice homes in the area you won't even see this lot from the street. They never knew if they would do anything with this lot. There is a 200 foot restriction to the 3 Mile River and they found a developer willing go through the process. The planning Board is governed by their rules and strict requirements. He states having one house on this 13 acre parcel would not be a detriment. It has to be approved by the Conservation Commission and Natural Heritage. Wayne Berube, 88 Dean St. stated he concurs with Mr. Johnson and he is not being greedy. This proposal is for one house on a 13 acre parcel. He stated Mr. Castro's statement about him going to court to get the restriction overturned is not true. He stated Paul Whiffen appealed his case and it never went anywhere. Wayne stated the Planning Board issue is the access only and Capt. Bastis has given his opinion that 12 feet wide is sufficient with a clearing of 20 feet wide. The opposition on Norton Avenue can't even see this lot and are not even abutters in his opinion. Public Input closed. Bob stated the Board has to balance the rights of property owner's and abutters. He stated he lives on a common driveway with 16 acres, also within the Natural Heritage and received a Special Permit for a common driveway. He stated they have had to call for a fire emergency (fire on utility pole) and the fire truck does not drive down the driveway. They will run a hose down to house. The planning Board can require them to construct the common driveway right. Bob made motion to approve the Special Permit for a common driveway to access 3 lots with the following conditions:

- 1. Add site topography to the plans.**
- 2. City Water is available from the existing 12" city water main on Short Street. DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling**
- 3. The site is inventoried as a historic significance and any alterations to the existing structures should be reviewed by the Historic District Commission.**
- 4. Conditions of the access easements, utility easements, maintenance agreement and snow removal agreements for the common driveway to be approved by the City of Taunton and recorded PRIOR to any building permits including a foundation permit.**
- 5. Receipt of Letter from NHESP (Natural Heritage Endangered Special Program) which has a Restrictive Covenant on this property (See Registry of Deeds Bk. 18691, Page 159) prior to a building permit.**
- 6. The common driveway shall be paved a minimum 12 feet in width and must have a 20 foot wide clear width of access for emergency vehicles. Provide emergency turnaround as shown on plans.**

Vote:	3 In Favor	4 Opposed
Anthony Abreau, Chair	Yes	
Dennis Ackerman	Yes	
Robert Campbell	Yes	
Arthur Lopes		No
John Reardon		No
Manny Spencer, Jr.		No
Brian Carr		No

SPECIAL PERMIT DENIED

Hearing closed at 8:42 PM

Letter from Malloch Construction – relative to Titus Way – Hart St.- switching from underground utilities to above utilities .

Requesting a continuance to December meeting.

Motion made and seconded to grant continuance to December. All in favor.

Public Hearing – Proposed Zoning Change - To re-zone 775 John Quincy Adams Road (a.k.a. property I.D. 13-16-0) from Open Space /Conservation to the Industrial District. Submitted by Taunton Lodge of Elks, #150

Roll call: Ackerman, Campbell, Carr, Spencer, Lopes, Reardon and Abreau. Hearing opens at 8:29 PM
Dept. comments from City Planner, Conservation Commission, City Engineer, B.O.H., and Water Dept. were read into the record and placed on file. Bob Folcik, representing Taunton Lodges of Elks stated he's recently found out the property is in the Open Space/Conservation and wants to change it to industrial like all the surrounding properties. This will get the Elks more flexibility to possibly develop for future lots. Public Input: No one in favor or opposed.

Dennis made motion to forward a positive recommendation to the Municipal Council for the proposed zoning change. Seconded by John. All in favor. Hearing closed at 8:33 PM

Public Hearing – Lot C Winthrop Heights Drive – prop. I.D. 102 – 98 A Special permit from section 440 Attachment #1 of the Zoning Ordinance for a single family dwelling in Highway Business District submitted by Dora Estates LLC

Roll Call: Ackerman, Reardon, Campbell, Spencer, Lopes, Carr, and Abreau. Hearing opens at 8:33 PM.
Dept. comments from City Planner, Water Dept., Veolia Water, Fire Dept., Conservation Commission, and City Engineer and B.O. which were placed on file. Atty. Brianna Correira was invited into the enclosure. The property is located on the corner of Winthrop Street and Winthrop Heights Drive which is in the Highway Business. The request is to for a single family dwelling. The property abuts the Suburban Residential District and a few businesses. Atty. Correira stated under the zoning ordinance there are a number of allowed uses by right and a single family dwelling is less of an impact. There is sewer and water available John asked if they will be coming back for the other lots? Atty. Correira answered Lot B is owned by the applicant but she's not aware who owns the other lot. Public Input: No one in favor or opposed. Public Input closed.

Manny made motion to approve the Special Permit for a single family dwelling in a Highway Business District with the dept. comments & conditions: Seconded by Brian. All in favor.

- 1. The property must be serviced by municipal water and sewer. All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.**
- 2. Plans need to be printed to the correct size and scale.**
- 3. The utility connections need to be field verified.**
- 4. The water table needs to be established.**
- 5. The project will need to comply with the City of Taunton Sanitary Sewer Standards and specifications.**

6. City Water is available from the existing 16” city water main on Winthrop Street. DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling.

Vote:	In Favor
Anthony Abreau, Chair	YES
Robert Campbell	YES
Arthur Lopes	YES
John Reardon	YES
Manny Spencer, Jr.	YES
Brian Carr	YES

SPECIAL PERMT GRANTED
Hearing closed at 8:40 PM

Public Hearing –Proposed Zoning Change - The proposal is to re-zone 632 Somerset Avenue – property I.D 91-210 from Industrial District to Urban Residential District, submitted by Thomas Noel.

Roll call: Ackerman, Reardon, Campbell, Spencer, Reardon, Lopes and Abreau. Hearing opens at 8:40 PM
Dept. comments from City Planner, TMLP, Conservation Commission, City Engineer, B.O.H. were read into the record and placed on file. Atty. Brianna Correira and Brian Dunn, MBL Land Development was invited into the enclosure. They are proposing changing the zoning from Industrial to Urban Residential. The surrounding property is zoned Urban Residential and there are houses all around. In the rear there are a few Industrial uses. The Industrial Zone doesn't fit it's mostly residential uses. Atty. Correira stated the changing the zoning would be more appropriate fit for the neighborhood. Atty. Correira stated she will speak to the City Engineer about the earth removal permits and will work with him to close it out. Brian asked about the gravel driveway and it was stated there is no recorded easement. Atty. Correira state this was all one lot at one time. Manny asked how big is the lot? It was answered 1.45 acres. The existing garage is on the other lot. What is the intended use and it was answered houses. Public Input: Wendy Adams, 1 Clay Street is opposed. She lives behind and she wants it to stay nice and quiet. She stated the owner is planning on selling the property and leaving the neighbors to deal with whatever is built. He will benefit from the sale and move on. She honestly would like it to stay the way it is. If changed to residential there will be activity all the time. Public input closed.

Motion made and seconded to forward a positive recommendation to the Municipal Council for the change from Industrial to urban residential which will be more beneficial to the area. Hearing closed at 8:55 PM.

Public Meeting – Fremont St, property I.D. 30-97 - A Site Plan Review for the construction of an 8,000 sq. ft. warehouse building with 11 parking spaces on Fremont Street, Map 30, Lot 97 submitted by Future Fuel LLC -REQUESTING A CONTINUANCE TO JANUARY 6, 2022 MEETING

Public Meeting – 85 Independence Drive - Site Plan Review - for the addition of 36 parking spaces to the existing site, submitted by Harpak.

Evan Watson, P.E. was invited into the enclosure. Department comments from DIRB, Veolia Water, Fire Dept., TMLP, and City Engineer were read into the record. Evan stated they are proposing an 8,000 square

foot addition and adding some parking. They will be re-arranging the parking layout. There will be no new drainage and will be bring it up to ADA compliance. He stated relative to the City Engineer's letter relative to increase in drainage there is very little increase. Bob stated the drainage was designed for a much bigger buildout. Public Input: No one in favor or opposed. Public Input closed.

Bob made motion to approve the Site Plan Review with the dept. comments and following conditions:

Condition #1) That the plans dated September 10, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to the start of work

Vote: 7 In Favor

Anthony Abreau YES

Robert Campbell YES

John Reardon YES

Arthur Lopes YES

Manuel Spencer YES

Dennis Ackerman YES

Brian Carr YES

Public Meeting – 700 Richmond St. –Site Plan Review - for an 8,000 sf building to be added to the existing site, submitted by Tim Burbank.

Bob Forbes, Zennith Consulting and Jeff Gillis, Global Cycle were invited into the enclosure. Dept. comments were read from DIRB, Veolia Water, TMLP, City Engineer, Fire Dept. and B.O.H. and made part of the file. This is an existing facility built in 2009 and in 2012 the building was used for environmental services. They are proposing an 8,000 sq. ft. addition which is completely surrounded by woods and the Taunton River. The utilities be same and the water, septic and drainage was increased and work very well. They will add a few parking spaces. There won't be any added employees. The addition is to provide more space. The septic system was designed for 2 buildings so it will accommodate our proposal. Brian asked about the impact statements because there are homes in the area. He asked will there any noise, smell? Bob stated the site is one of the cleanest sites he has ever seen, you can eat off the floor. They have never received any complaints and the gate has never been open. They don't utilize that access.

Motion made and seconded to grant the Site Plan Review with dept. comments & conditions:

Condition #1) That the plans dated September 8, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc.

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) Remove plus and minus from lot area

Condition #7) Show all doors on the plans

NOTE: The improvements shown on 250 Cape highway including the access points and scale are not included as part of this approval and require a separate filing

Vote: 7 In Favor

Anthony Abreau	YES
Robert Campbell	YES
John Reardon	YES
Arthur Lopes	YES
Manuel Spencer	YES
Dennis Ackerman	YES
Brian Carr	YES

Special Permit – 110 Belmont St – for a 4 family use in an Urban Residential District, submitted by Dean Saxonis. Need to forward recommendation to the Municipal Council

John DeSousa, NorthCounty Group was invited into the enclosure. Department comments were read from Conservation Commission, TMLP, Water Dept., B.O.H., Fire Dept. City Engineer and placed on file. The proposal is to split the first floor apartment into two apartments. The front apartment will be one bedroom and rest will be 3 bedroom apartments. The 3 bedroom apartments will be about 1,400 square feet and the one bedroom will be about 600 square feet. There will be no alteration to the footprint and they will put fire system/sprinklers in. The property is serviced by municipal sewer. Dennis asked if they had 8 parking spaces and they do. Bob suggesting putting the parking diagonal so they would not have to backout. John stated there is a retaining wall 3 feet high so that can't do that. If they move the parking they would need to put up new wall. Bob stated it's not the best setup for parking. Public Input; No one in favor or opposed. Public input closed.

Dennis made motion to forward a positive recommendation to the Municipal Council, seconded by Manny. All in favor.

Letter from Atty. Wm. Rounds – Notice of Intent to sell taxed under MGL Chapter 61 – a portion of 30-37 Tremont & Glebe St. –Jacques

Atty. Rounds stated this property has been taxed as 61 Forestry and now it's going to be developed so by law we have to notify the City if they want to purchase it. One it comes out of Chapter 61 the taxed need to be paid.

Motion made and seconded to place on file.

354 Winthrop St. –Special Permit Modification - of Recreation marijuana dispensary -to increase the square footage of the recreation marijuana dispensary from 4,140 sq. ft. to 5,751 sq. ft. & an additional 600 sq. ft. hair salon. – Need to forward a recommendation to Municipal Council.

John DeSousa and Kyra Fernandes were invited into the enclosure. They made some modifications to the original approval and now must go back to Council for approval. They moved the building back and added a foyer and a second floor. They changed the roof and the loading dock is now upwrapped into the right corner of the building. They moved most of the offices to the second floor and added a hair salon to the second floor. The hair salon is approximately 600 square feet but it's not exactly laid out yet. The second floor will be the employee are and supervisor office. Bob asked how is it AAB accessible? There will be an enclosed access ramp or elevator inside all enclosed. Brian asked why the change and Ms. Fernandes says she wants to offer jobs and wanted to offer her friend a place for her hairdressing business. The hair salon will have 3 chairs. Public Input: No one in favor or opposed.

Manny made motion to forward a positive recommendation to the Municipal Council, seconded by Arthur. All in favor.

Brian's way –Proposed street lights in subdivision

Bob made motion to approve the proposed street lights. Seconded by Dennis .All in favor.

295 Broadway - Site Plan Review condition #7 – change to condition

Atty. Patrick Sullivan and Eric Dias, Strongpoint Engineers was invited into the enclosure. They received letter from the Law Office stating the Board could modify the condition. The project has been approved with the condition they obtain a written easement from neighbor or bring new sewer line into their own property. The sewer line has been there for approximately 20 year but they have been unsuccessful in getting neighbor to sign easement. They are asking to modify the condition to read if sewer service is cut off then they would need to get their own sewer service. Tony stated his desire is to see sewer there. Bob also agree they should either get easement from neighbor or put in own sewer. Atty. Sullivan stated we have established the sewer line is already there and in service. There was lengthy discussion about this and Atty. Sullivan did not want to re-visit the site plan review process again. The site was approved and he received letter from Law Dept. saying the Board can modify their condition. Several Board members indicated they wanted them to comply with the condition. Atty. Sullivan is still trying to obtain easement. But he doesn't want this to hold up any development. Manny stated the best thing is to put their own sewer line in. Arthur agrees to putting in own sewer Bob stated he was under the impression the sewer had not been there for 20 years. Bob asked the secretary what was sent to the Law Dept. asking them for their legal opinion. The secretary informed him they went to the Law Dept. on their own and asked so she didn't know what was represented to the law office. Eric stated they want to start the building permit process and they can't because of this. He asked the Board if they would consider a compromise and put a condition saying obtain easement Prior to an Occupancy Permit is issued rather prior to a building permit.

Dennis made Motion to modify condition # 7 to read as follows:

A copy of the recorded easement shall be provided for said crossing or in the event this cannot be provided this service shall be abandoned and new services installed from Broadway. This must be done prior to an occupancy permit and by May 1, 2022. Seconded by Bob. All in favor.

Bella Rose – Modification- Change from City water & City Sewer to Septic System and wells. Need to be determined if it' a major or minor change

John DeSousa, NorthCounty Group was invited into the enclosure. He is asking the Board to determine if the change from city water & sewer to wells and septic system is a major or minor change. He passed out the Planning Board rules which defines what is a minor or major change. He stated the compaction tests all passed and meets the standards. GPI conducted the testing they specified all new materials John stated he received comments from the Fire Dept. about putting 13D sprinklers in every house for fire protection. Several Board members thought the change should be a hearing so the abutters will be made aware of the changes. John D. agrees it needs to be a public hearing but was asking for it to be under the minor change for filing fee purposes. The Board agreed to allow the filing fee to be minor but hold a public hearing.

Dennis made motion to find the modification minor for filing fee purposes and require a public hearing for the modification. Seconded by Bob. All in favor.

John stated they might be paving the roadway and the Board informed him they are doing that at their own risk. John stated due to the amount of ledge they would need to do a lot more blasting. That is the reason for the modification. The Board wanted it on record if they put binder course down and they get denied for septic systems they will need to rip of binder course to put sewer in. John is aware of that.

The Board welcomed new P.B. member Michael Monteiro who will be on the Board in January.

Meeting adjourned at 10:30 PM.

Public Hearing – Short St. property I.D. 28-62 - Special permit from Section 440-201 of the Zoning Ordinance for a common driveway to access 3 lots – submitted by Liberty & Union Realty Trust.

Meeting adjourned at